

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 268

To provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2005

Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Training for Realtime  
5 Writers Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) As directed by Congress in section 723 of  
2 the Communications Act of 1934 (47 U.S.C. 613),  
3 as added by section 305 of the Telecommunications  
4 Act of 1996 (Public Law 104–104; 110 Stat. 126),  
5 the Federal Communications Commission adopted  
6 rules requiring closed captioning of most television  
7 programming, which gradually require new video  
8 programming to be fully captioned in English by  
9 2006 and Spanish by 2010.

10           (2) More than 28,000,000 Americans, or 8 per-  
11 cent of the population, are considered deaf or hard  
12 of hearing, and many require captioning services to  
13 participate in mainstream activities.

14           (3) More than 24,000 children are born in the  
15 United States each year with some form of hearing  
16 loss.

17           (4) According to the Department of Health and  
18 Human Services and a study done by the National  
19 Council on Aging—

20                   (A) 25 percent of Americans over 65 years  
21 old are hearing impaired;

22                   (B) 33 percent of Americans over 70 years  
23 old are hearing impaired; and

24                   (C) 41 percent of Americans over 75 years  
25 old are hearing impaired.

1           (5) The National Council on Aging study also  
 2 found that depression in older adults may be directly  
 3 related to hearing loss and disconnection with the  
 4 spoken word.

5           (6) Empirical research demonstrates that cap-  
 6 tions improve the performance of individuals learn-  
 7 ing to read English and, according to numerous  
 8 Federal agency statistics, could benefit—

9                   (A) 3,700,000 remedial readers;

10                   (B) 12,000,000 young children learning to  
 11 read;

12                   (C) 27,000,000 illiterate adults; and

13                   (D) 30,000,000 people for whom English  
 14 is a second language.

15           (7) Over the past decade, student enrollment in  
 16 programs that train realtime writers and closed  
 17 captioners has decreased by 50 percent, even though  
 18 job placement upon graduation is 100 percent.

19 **SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PRO-**  
 20 **MOTE TRAINING AND JOB PLACEMENT OF**  
 21 **REALTIME WRITERS.**

22           (a) IN GENERAL.—The National Telecommuni-  
 23 cations and Information Administration shall make com-  
 24 petitive grants to eligible entities under subsection (b) to  
 25 promote training and placement of individuals, including

1 individuals who have completed a court reporting training  
2 program, as realtime writers in order to meet the require-  
3 ments for closed captioning of video programming set  
4 forth in section 723 of the Communications Act of 1934  
5 (47 U.S.C. 613) and the rules prescribed thereunder.

6 (b) ELIGIBLE ENTITIES.—For purposes of this Act,  
7 an eligible entity is a court reporting program that—

8 (1) can document and demonstrate to the Sec-  
9 retary of Commerce that it meets minimum stand-  
10 ards of educational and financial accountability, with  
11 a curriculum capable of training realtime writers  
12 qualified to provide captioning services;

13 (2) is accredited by an accrediting agency rec-  
14 ognized by the Department of Education; and

15 (3) is participating in student aid programs  
16 under title IV of the Higher Education Act of 1965.

17 (c) PRIORITY IN GRANTS.—In determining whether  
18 to make grants under this section, the Secretary of Com-  
19 merce shall give a priority to eligible entities that, as de-  
20 termined by the Secretary of Commerce—

21 (1) possess the most substantial capability to  
22 increase their capacity to train realtime writers;

23 (2) demonstrate the most promising collabora-  
24 tion with local educational institutions, businesses,  
25 labor organizations, or other community groups hav-

1       ing the potential to train or provide job placement  
2       assistance to realtime writers; or

3               (3) propose the most promising and innovative  
4       approaches for initiating or expanding training and  
5       job placement assistance efforts with respect to  
6       realtime writers.

7       (d) DURATION OF GRANT.—A grant under this sec-  
8       tion shall be for a period of two years.

9       (e) MAXIMUM AMOUNT OF GRANT.—The amount of  
10      a grant provided under subsection (a) to an entity eligible  
11      may not exceed \$1,500,000 for the two-year period of the  
12      grant under subsection (d).

13   **SEC. 4. APPLICATION.**

14       (a) IN GENERAL.—To receive a grant under section  
15      3, an eligible entity shall submit an application to the Na-  
16      tional Telecommunications and Information Administra-  
17      tion at such time and in such manner as the Administra-  
18      tion may require. The application shall contain the infor-  
19      mation set forth under subsection (b).

20       (b) INFORMATION.—Information in the application of  
21      an eligible entity under subsection (a) for a grant under  
22      section 3 shall include the following:

23               (1) A description of the training and assistance  
24      to be funded using the grant amount, including how

1 such training and assistance will increase the num-  
2 ber of realtime writers.

3 (2) A description of performance measures to  
4 be utilized to evaluate the progress of individuals re-  
5 ceiving such training and assistance in matters relat-  
6 ing to enrollment, completion of training, and job  
7 placement and retention.

8 (3) A description of the manner in which the el-  
9 igible entity will ensure that recipients of scholar-  
10 ships, if any, funded by the grant will be employed  
11 and retained as realtime writers.

12 (4) A description of the manner in which the el-  
13 igible entity intends to continue providing the train-  
14 ing and assistance to be funded by the grant after  
15 the end of the grant period, including any partner-  
16 ships or arrangements established for that purpose.

17 (5) A description of how the eligible entity will  
18 work with local workforce investment boards to en-  
19 sure that training and assistance to be funded with  
20 the grant will further local workforce goals, includ-  
21 ing the creation of educational opportunities for in-  
22 dividuals who are from economically disadvantaged  
23 backgrounds or are displaced workers.

1           (6) Additional information, if any, of the eligi-  
2           bility of the eligible entity for priority in the making  
3           of grants under section 3(c).

4           (7) Such other information as the Administra-  
5           tion may require.

6 **SEC. 5. USE OF FUNDS.**

7           (a) IN GENERAL.—An eligible entity receiving a  
8           grant under section 3 shall use the grant amount for pur-  
9           poses relating to the recruitment, training and assistance,  
10          and job placement of individuals, including individuals  
11          who have completed a court reporting training program,  
12          as realtime writers, including—

13               (1) recruitment;

14               (2) subject to subsection (b), the provision of  
15          scholarships;

16               (3) distance learning;

17               (4) further develop and implement both English  
18          and Spanish curriculum to more effectively train  
19          realtime writing skills, and education in the knowl-  
20          edge necessary for the delivery of high-quality closed  
21          captioning services;

22               (5) mentor students to ensure successful com-  
23          pletion of the realtime training and provide assist-  
24          ance in job placement;

1           (6) encourage individuals with disabilities to  
2 pursue a career in realtime writing; and

3           (7) the employment and payment of personnel  
4 for such purposes.

5 (b) SCHOLARSHIPS.—

6           (1) AMOUNT.—The amount of a scholarship  
7 under subsection (a)(2) shall be based on the  
8 amount of need of the recipient of the scholarship  
9 for financial assistance, as determined in accordance  
10 with part F of title IV of the Higher Education Act  
11 of 1965 (20 U.S.C. 1087kk).

12           (2) AGREEMENT.—Each recipient of a scholar-  
13 ship under subsection (a)(2) shall enter into an  
14 agreement with the National Telecommunications  
15 and Information Administration to provide realtime  
16 writing services for a period of time (as determined  
17 by the Administration) that is appropriate (as so de-  
18 termined) for the amount of the scholarship re-  
19 ceived.

20           (3) COURSEWORK AND EMPLOYMENT.—The  
21 Administration shall establish requirements for  
22 coursework and employment for recipients of schol-  
23 arships under subsection (a)(2), including require-  
24 ments for repayment of scholarship amounts in the  
25 event of failure to meet such requirements for

1 coursework and employment. Requirements for re-  
2 payment of scholarship amounts shall take into ac-  
3 count the effect of economic conditions on the capac-  
4 ity of scholarship recipients to find work as realtime  
5 writers.

6 (c) ADMINISTRATIVE COSTS.—The recipient of a  
7 grant under section 3 may not use more than 5 percent  
8 of the grant amount to pay administrative costs associated  
9 with activities funded by the grant.

10 (d) SUPPLEMENT NOT SUPPLANT.—Grant amounts  
11 under this Act shall supplement and not supplant other  
12 Federal or non-Federal funds of the grant recipient for  
13 purposes of promoting the training and placement of indi-  
14 viduals as realtime writers.

15 **SEC. 6. REPORTS.**

16 (a) ANNUAL REPORTS.—Each eligible entity receiv-  
17 ing a grant under section 3 shall submit to the National  
18 Telecommunications and Information Administration, at  
19 the end of each year of the grant period, a report on the  
20 activities of such entity with respect to the use of grant  
21 amounts during such year.

22 (b) REPORT INFORMATION.—

23 (1) IN GENERAL.—Each report of an entity for  
24 a year under subsection (a) shall include a descrip-  
25 tion of the use of grant amounts by the entity dur-

1 ing such year, including an assessment by the entity  
2 of the effectiveness of activities carried out using  
3 such funds in increasing the number of realtime  
4 writers. The assessment shall utilize the performance  
5 measures submitted by the entity in the application  
6 for the grant under section 4(b).

7 (2) FINAL REPORT.—The final report of an en-  
8 tity on a grant under subsection (a) shall include a  
9 description of the best practices identified by the en-  
10 tity as a result of the grant for increasing the num-  
11 ber of individuals who are trained, employed, and re-  
12 tained in employment as realtime writers.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out  
15 this Act, amounts as follows:

16 (1) \$20,000,000 for each of fiscal years 2006,  
17 2007, and 2008.

18 (2) Such sums as may be necessary for fiscal  
19 year 2009.

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